

BOARD OF SELECTMEN

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BOARD MEETING MINUTES January 25, 2016

Selectmen Present: Nancy Carney, Chris Holman, Susan Silverman

Ms. Carney called the meeting to order at 7:25 p.m.

Jim Carney, Monadnock School Board Member from Richmond came in to talk with the Selectmen regarding his concern about Article 7 of the School Warrant. Mr. Carney shared that the Budget Committee voted not to support the contract. Mr. Carney's concern was that the contract had been passed by the Monadnock School Board and he adamantly opposed the contract. The contract is a 95/5 split on health care and the question he raised with the Selectmen in Richmond was that he would like to see the Selectmen throughout the district question the legality of Article 7, second paragraph regarding the use of surplus funds to offset health costs in the next contract. Mr. Carney stated he didn't think this was legal and felt that any monies left over should go back to the taxpayer to reduce the tax rate. Mr. Carney also stated that he hasn't seen anything like this before – where it was taken specifically from one contract to another and the fact that a contract has an end date. Mr. Carney noted that Article 7 stated that the surplus would be applied towards health care in the next contract and it was put in there to offset the overall cost of health care. Mr. Carney shared that he has been asked what the difference was in getting back now or later and he felt that any surplus should be given back and given to the taxpayer. Mr. Carney stated that it looked like there wasn't any health care costs. The district isn't using the first year – 2nd year and 3rd year using \$400,000+ toward health care in the future.

Mr. Carney would ask that every town in the district to have their attorney look at the contract and shared what potentially could happen if the district hasn't warned the public. Ms. Silverman shared that it is money raised by taxes and felt that a lot of people struggle to pay their taxes and it isn't a small amount. The school tax is the largest tax that town's pay and in some years, School Board members would come to town's and explain the budget, but it doesn't happen every year. Mr. Carney stated the budget was brought to the School Board on Monday night to vote on and the Budget Committee didn't get it in a timely manner to review.

Ms. Silverman asked about the DRA. Mr. Carney stated that he has called and talked with them several times and as of the other day, they haven't made a decision regarding Article 7. Mr. Carney shared that the Article needed to be finished today. Ms. Carney asked if the deliberative session was on February 6th. Mr. Carney's position was he wished it came in in two steps – asked to have \$500,000 – what do you want to do and then present a new contract for the public and find out what they wanted to do. Ms. Carney stated that this information would be put on the Town's website. Mr. Carney stated that the School Board attorneys negotiated the contract.

The Selectmen thanked Mr. Carney for meeting with them.

PRIMARY:

*** APPROVE MINUTES

- January 11, 2016
- January 21, 2016

Ms. Silverman made a motion to approve the minutes. Ms. Carney seconded. Ms. Carney - Yes, Mr. Holman - Abstained, Ms. Silverman - Yes. Approved – 2-0

*** APPROVE MANIFESTS

Mr. Holman made a motion to approve the manifests. Ms. Silverman seconded. Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 3-0

**** **REVIEW SIGNATURE FOLDER** – The Selectmen reviewed and signed.

6:00 MEET WITH CONSERVATION COMISSION AND RICK VAN DE POLL

- Prime Wetlands Study

Rick Van de Poll met with the Board of Selectmen, members of the Conservation Commission and Town residents to review the Wetland Assessment Summary of the Scott Pond Complex and Scott Brook Marsh North and answer any questions.

7:30 MEET WITH LIBRARY TRUSTEES - NON-PUBLIC SESSION RSA 91-A:3 II(e)

At 7:38 p.m. Mr. Holman made a motion to go into non-public session under RSA 91-A:3 II(e). Ms. Silverman seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.

At 7:48 p.m. Mr. Holman made a motion to leave non-public session and seal the minutes. Ms. Silverman seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.

7:45 MEET WITH JAY COPPO – J & J AUTOBODY

James and Jay Coppo met with the Selectmen to discuss their decision to have the Police Department use multiple towing companies. Mr. Coppo mentioned the last time he came before the Selectmen and now all of a sudden J&J can't tow. Ms. Carney stated that until the legal issue was resolved, the Police Department would use other vendors. Mr. Coppo stated that he has nothing to do with any criminal charges and that the Selectmen gave a directive to the Police Department not to use J&J and under RSA you can put in writing – what you prefer. Mr. Coppo would talk with Chief DiSalvo. Mr. Coppo stated that he has a tow truck at his house – it is a source of revenue the Selectmen are taking away from him. If the Selectmen gave a directive that they prefer – it was different from don't – there wouldn't be any criminal charges. Mr. Coppo shared that his father and J&J have serviced the town for 30 years.

Ms. Carney stated the Selectmen were concerned with comments from the citizens of the town. Jay Coppo asked where the allegations came from. Mr. Coppo stated he would get a subpoena. Mr. Coppo talked about an incident in 2012 and that people are innocent until proven guilty and that in 2014 charges were brought against Jay and Jody. Mr. Coppo stated that he heard that the Selectmen gave a directive to the Police Department and Mr. Coppo threatened legal action against the Selectmen if they had directed the Police Department not to use J&J. Mr. Coppo asked the Selectmen to produce a document where someone had said something about them. Ms. Carney shared that people commented to the Selectmen. Mr. Coppo stated that he could assure the Selectmen that they have never received one comment about him. Ms. Carney stated it was J&J. Mr. Coppo stated that the Selectmen were taking it out on him and asked Ms. Carney to call Chief DiSalvo and have him come to the meeting. Mr. Coppo stated the Selectmen put a directive in writing. Mr. Coppo noted the RSA and wanted in writing why the Selectmen were refusing to use J&J and why they gave a directive to the Police Department not to use J&J. Ms. Carney stated the Selectmen prefer not to use and that people were concerned with AAA. Mr. Coppo asked what happened to AAA and stated the complaint was baseless.

Ms. Carney stated the Selectmen needed an opportunity to know what their concerns were that they brought to them. Mr. Coppo stated he and Jay were there because of the directive the Selectmen brought against J&J and if it came from the Police Department, he would deal with them directly. Mr. Coppo mentioned coming back next week with legal paperwork. Mr. Coppo asked if the Selectmen received information from Richmond and that it shouldn't have anything to do with this. Mr. Coppo stated that he hasn't done anything wrong and the business hasn't done anything wrong. Mr. Holman stated one issue was the article in the Keene Sentinel and the Selectmen weren't sure how this related to this and not sure if there was another. Jay Coppo stated that it has been two years and they have lawyers who bring up charges and it keeps going on and when you fight, this is what happens. Mr. Coppo stated that Jay is part owner of J&J and the allegations are against Jay and Jody which someone made at the business. Ms. Silverman stated that the Selectmen's decision had nothing to do with this and it doesn't have anything to do with complaints. The Town of Fitzwilliam, whether towing or anything, doesn't hold contracts with any particular vendor. The Selectmen decided to wait until the legal issue was resolved.

Ms. Carney requested that Mr. Coppo allow the Selectmen to get resolution tonight and get back to him. Mr. Coppo wanted an answer because next Monday he would be coming back with his attorney. Mr. Coppo talked about the other towing vendors. Ms. Silverman asked about J&J's rates. Mr. Coppo stated that everything he does is above board and knows that the Police Department can make a call and also knows that the Selectmen can make a directive. The problem he has is that he heard there was a directive and if that is the case, it is against the law unless the Selectmen can produce documents. Mr. Coppo shared that he hasn't done anything to the residents of Fitzwilliam and when the Selectmen take money out of his pocket, he has an issue with that. Mr. Coppo stated that if the Selectmen don't want to have anything to do with J&J – doesn't have anything to do with him. It isn't fair that the Town of Fitzwilliam holds it against him. Whatever transpired with the criminal charges – he wishes the chapter would end – he gets that some customer's might call and complain.

Mr. Holman stated that he was prepared to make a motion to rescind the Selectmen's previous directive to the Police Department. Ms. Carney stated that she wanted to have further discussion. Ms. Carney asked for a second and having none, the motion failed. Mr. Coppo asked about the Selectmen's directive and Ms. Favreau gave him a copy of the letter.

Ms. Carney shared the conversation the Selectmen had with Chief DiSalvo. Mr. Coppo stated that he was going to call Chief DiSalvo and ask what the Selectmen had said to him. Mr. Coppo asked to be put on the agenda for next Monday. Ms. Carney asked if it was settled tonight, did he still want to meet. Mr. Coppo stated that if someone would second Mr. Holman's motion he would be all set. Ms. Silverman stated that the Selectmen would discuss and get back to him and that she doesn't like to respond to bullying. Mr. Coppo stated that he wasn't bullying. Ms. Silverman stated the Selectmen listened to his concerns and they would discuss and let him know tomorrow. Ms. Carney stated someone from the Selectmen's Office would notify him by phone.

Mr. Coppo stated that if in fact they don't second the motion he was okay with it - told prefer not required. Ms. Silverman stated that she wanted to able to have the discussion and doesn't want to sit here with Mr. Coppo bullying them. Mr. Coppo stated that he felt he was justified to be here. Ms. Silverman acknowledge she heard what he was saying. Mr. Coppo asked to schedule an appointment with the Selectmen for next Monday and stated that if Chief DiSalvo doesn't want to be here – that it was ok. Mr. Coppo stated that he had an interest to protect.

8:00 MEET WITH ROAD AGENT GENE CUOMO - NON-PUBLIC SESSION RSA 91-A:3 II(a)

At 8:20 p.m. Mr. Holman made a motion to go into non-public session under RSA 91-A:3 II(a). Ms. Silverman seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.

At 8:25 p.m. Mr. Holman made a motion to leave non-public session and seal the minutes. Ms. Silverman seconded and the motion passed 3-0. Roll Call vote: Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes.

Mr. Cuomo shared that the recent accident has enlightened him about signage. Discussion was held on solar glare and safety. Mr. Cuomo stated the safest thing to do was to close the road when they do road work, if it could be done. Mr. Cuomo asked Ms. Favreau to schedule a Joint Loss Committee meeting and this was one issue to be discussed. Mr. Cuomo shared that he hasn't bought signs in a few years and he doesn't really have the personnel to do it right. Mr. Cuomo stated that he would close the road and go with safety. Mr. Cuomo shared that the new truck has been used for sanding. Discussion was held on the cover photo for the Annual Report and the dedication to Paula Thompson Cuomo and Betty Miller.

8:30 MEET WITH HEALTH OFFICER CAROL ANN ROCHELEAU Re: Map12, Lot 16

Carole Ann Rocheleau, Health Officer, met with the Selectmen to give an update on the Monteverde complaint. Ms. Rocheleau passed out documents to the Selectmen and reviewed the complaint made to DES by Maureen Day. Ms. Rocheleau was asked by the State to look into. Ms. Rocheleau shared that the Monteverde's have been very cooperative and she met with them on January 9th. Ms. Rocheleau obtained information on the septic tank on the Monteverde property from GA Bell, which indicated the septic was pumped on May 8, 2015. The Monteverde's showed Ms. Rocheleau the leaching field and there was no indication that the system had failed. Ms. Rocheleau spoke with Kevin Bell and he described the tank and told her it was a septic tank and not a holding tank, as there was a pipe that goes from the tank to the leaching field. Ms. Rocheleau asked Mr. Bell if he would put this information in writing and send to her, which he did. Ms. Rocheleau asked DES to find out if there was ever a septic system plan approval and none could be found. Ms. Rocheleau was told that it wasn't unusual as people don't always follow the law. Ms. Rocheleau stated the complaint was unfounded.

Ms. Rocheleau reported that the second allegation to the State was that Ryan Monteverde had been dumping cat litter and human waste into the stream. Mr. Monteverde was very upset when he found out about the complaint and told Ms. Rocheleau that there were drywall buckets on the property which had construction trash in them. Ms. Rocheleau stated that earlier in 2015, an official, which she thought was Mr. Holman, took pictures of the cat litter in the water. Mr. Holman stated that he and a Police Officer went to the property. Mr. Monteverde picked up the cat litter but told Ms. Rocheleau it wasn't something that he had done. Ms. Rocheleau and Mr. Monteverde walked along the stream and the water was clean with no trash. Ms. Rocheleau stated the complaint was unfounded.

Ms. Rocheleau reported that while walking the property she noticed there was a large accumulation of household items. She had asked the Monteverde's what they could do about getting the household items to the Transfer Station. A neighbor of the Monteverde's had said the yard was a deterrent to people coming to her home business. Ms. Rocheleau shared that they have no money and were willing to have someone help them get the household items to the Transfer Station but they don't have money for the fees. Ms. Rocheleau stated that in the past we have given people a period of amnesty. Ms. Silverman stated that she would like to do that instead of the items being thrown out on the back roads. The Monteverde's would let her or the Selectmen know when they could bring the household items to the Transfer Station. Mr. Holman stated that the household items may not be items from the home. Mr. Holman mentioned that Mr. Monteverde does property cleanup and how would we know those items are not from his work. Ms. Silverman stated we do it for the month of April, weather permitting, and give a month to get items off of the property. Ms. Silverman stated that if Mr. Holman was than concerned, pictures could be taken and the Transfer Station could be informed of what items were coming their way. Mr. Holman wanted the Monteverde's to come in and sign a contract. Ms. Silverman stated the intent was to clean up what they have and wait

until April. A letter would be written giving them a month to get the items off of the property. Ms. Rocheleau took pictures, with permission from Mr. Monteverde. Ms. Carney asked if Mr. Monteverde would notify either the Selectmen's Office or Ms. Rocheleau that on Saturday he would take a truck load to the Transfer Station. Ms. Rocheleau had mentioned to the Monteverde's that she would be asking the Selectmen about this tonight. Ms. Carney asked that pictures be taken in order to know what they would be bringing to the Transfer Station. Ms. Silverman wanted to make it clear that it was the trash that was there now and would not be on-going. Ms. Rocheleau stated it was not stuff from a cleaning out business – the items came from Mr. Monteverde' father. Mr. Holman stated that if you have someone what thinks these things have a value, they won't throw out. Ms. Silverman stated to be clear – items accumulated now – won't charge fees for the furniture and that would be the end of it. Ms. Rocheleau shared that she was clear when she talked with Mr. Monteverde.

Ms. Rocheleau stated that she was going to refer Mr. Monteverde to Southwest Community Services so they could help him get his place together and that the Monteverde's seemed very genuine.

Ms. Rocheleau reviewed the letter from Environments Services regarding a greenhouse gas emissions meeting.

The Selectmen thanked Ms. Rocheleau for meeting with them.

*** BUDGET

- Final budget worksheet
- Transfers from expendable trust
- Warrant
- Southwest Fire Mutual Aid invoice
- Memo from Cemetery Document Preservation

Final budget worksheet – The Selectmen reviewed and discussed. Ms. Favreau reported the only change was the Budget Committee had raised Capital Reserve to \$70,000 and the General Government Buildings budget had increased Revaluation to \$20,000. Ms. Favreau asked the Selectmen if they wanted to go in with those recommendations.

Ms. Carney reported that the Cemetery's Document Preservation 2nd phase was finished. Ms. Carney made a motion to reinstate the \$5,000 for Phase 3 of the Cemetery Records Preservation project. Ms. Silverman seconded. Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 3-0

Ms. Favreau reported that she had taken out the painting of the town hall and adjusted the Library painting to \$2,800.

The Selectmen agreed with the changes.

Mr. Holman asked about the grant for the upper hall benches and was it closed out. Mr. Holman talked about the amount of grants that were available.

Mr. Holman wanted to put \$5,000 aside for vernal pools. Ms. Favreau stated that it was too late as the Budget Committee had finished their work. Ms. Carney stated it should come from the Conservation Commission. Mr. Holman suggested that not all of the 200 vernal pools be done. Ms. Silverman stated it was too late. Ms. Carney stated it needed to be a Conservation Commission request. Discussion was held on vacancies on the Conservation Commission.

Ms. Carney reported that there wasn't a Budget Committee meeting this week as the work was done.

Transfers from expendable trust – The Selectmen reviewed.

Warrant – The Selectmen reviewed the draft of the Warrant. Ms. Favreau shared that the Cemetery Commissioners discussed changing an old Capital Reserve Fund into an Expendable Trust Fund - to include the purchase of and maintenance of equipment. Ms. Favreau had talked with DRA and it was possible to change – need to vote on. Ms. Carney asked that it be put on the Warrant and let the people decide.

Ms. Carney made a motion to change the 1994 – Article 35 - Capital Reserve Fund into an Expendable Trust Fund – to include the purchase of and maintenance of equipment. Mr. Holman seconded. Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 3-0

The Cemetery Commissioners would explain this at the public hearing.

Southwest Fire Mutual Aid invoice – Ms. Carney reviewed the Invoice from SWNH Fire Mutual Aid in the amount of \$28,141 for the assessment period of 01/01/16 to 12/31/16. The invoice was due on April 15th. Ms. Carney recommended waiting until the public hearing. The Selectmen agreed.

Memo from Cemetery – Document Preservation – Ms. Carney reviewed the memo from Mike Grab, Cemetery Commissioner. The second group of documents and maps were picked up by Brown's River in late October 2015 and the

cost of the work was \$5,000 and would use up all of the current funds for the project. They intend to continue the preservation project and hope that their \$5,000 funding request would be approved in order to complete the project. If the work remained on schedule they hoped to have the documents returned in late February or early March of 2016.

*** APPOINTMENTS – ECONOMIC COMMITTEE

Ms. Carney shared that Suzanne Gray, Carl Hagstrom, Clare Rose Howard, Bradley Miller, and Fedor Berndt, as an alternate, were interested in serving on the Economic Committee.

*** RAFFLE PERMIT

Raffle Permit at Dr. George Emerson Elementary School in February 2016. Mr. Holman made a motion to approve the raffle. Ms. Silverman seconded. Ms. Carney - Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 3-0

*** TOWN HALL RENTAL APPLICATION

- FITWILLIAM FIRE AND EMS ASSOCIATION
- FITZWILLIAM COMMUNITY CHURCH

FITWILLIAM FIRE AND EMS ASSOCIATION - Ms. Carney reviewed the Application for Rental of Town Property request from the Fitzwilliam Fire and EMS Association for February 13, 2016 for 3 hands free CPR classes open to the public in the Town Hall Lower Hall.

Mr. Holman made a motion to approve the Application for Rental of Town Property request from the Fitzwilliam Fire and EMS Association for February 13, 2016 in the Town Hall Lower Hall. Ms. Silverman seconded. Ms. Carney – Recused, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 2-0

FITZWILLIAM COMMUNITY CHURCH - Ms. Carney reviewed the Application for Rental of Town Property request from Susan Bemis, of the Fitzwilliam Community Church for August 13, 2016 for a Flea Market on the Town Common.

Ms. Silverman made a motion to approve the Application for Rental of Town Property request from the Fitzwilliam Community Church for August 13, 2016 on the Town Common. Mr. Holman seconded. Ms. Carney – Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 3-0

*** REQUEST TO ALLOW SOUTHWEST REGION PLANNING COMMISSION TO RELEASE MAPS

Ms. Carney reviewed the request from Richard Bonogofsky, for parcel data from 2015 and a more detailed set of data from 2013 - CIS maps. The purpose of the data request was to use the data to tighten the accuracy of their mapping of Fitzwilliam. Mr. Bonogofsky had contacted Henry Underwood and was told he needed to receive an email or written authorization from the Selectmen to release the information to Mr. Bonogofsky. The Selectmen asked Ms. Favreau to get additional information. Ms. Favreau would contact Mr. Underwood.

*** VACHON & CLUKAY

- Financial Reporting Systems Questionnaire

Ms. Favreau shared that a Financial Reporting Systems Questionnaire had been received from Vachon & Clukay. The Selectmen reviewed and asked Ms. Favreau to complete.

*** STATE OF NH – 250TH ANNIVERSARY PLATES

Ms. Carney shared that the State of NH has 250th Anniversary plates left for purchase at \$2.00 per plate. Ms. Favreau stated that we had extra plates. The Selectmen were not interested in obtaining additional plates.

*** PIPELINE

- Letter from Johnson & Johnson Law Office
- Memo from Arthur Cunningham- NHPUC Order

Letter from Johnson & Johnson Law Office – Ms. Favreau reported that Nils Johnson of Johnson & Jonson Law Office had requested a Town Hall Rental Application. They would like to do a presentation on the process for landowners to protect land

and eminent domain. The Selectmen reviewed and discussed the letter sent by Johnson & Johnson to landowners affected by the proposed pipeline. The Selectmen would review once the application has been received.

Memo from Arthur Cunningham - NHPUC Order – The Selectmen reviewed and discussed the letter from Attorney Arthur Cunningham regarding the NHPUC Order. The Order avoids a finding that pipeline capacity must be increased because of existing constraints.

Ms. Silverman shared that Rick Van de Poll had sent Attorney Cunningham information on Scott Pond. Attorney Cunningham asked that a footnote be added so that it could be referred to as the Gaseau property.

OTHER BUSINESS:

Selectmen's Town Report – The Selectmen reviewed and discussed their report.

Southwest Region Planning Commission's Winter Meeting – February 16, 2016 – The Selectmen reviewed and discussed.

Ms. Favreau shared that Mr. Wilkinson brought up the bulk mail permit that was used for the newsletter in a Budget Committee meeting. Ms. Favreau stated since the Town Reports are no longer mailed out, the bulk mail permit was dropped and now the newsletter incurs that expense. Ms. Favreau stated that donations were made but not on a regular basis. Ms. Favreau shared that she had heard from Janet Wilkinson that it cost about \$600 per month to print the newsletter. The Selectmen put a lot of information into the newsletter and Ms. Favreau recommended that \$250 be included in the budget and that departments pay for their newsletter articles.

Ms. Silverman made a motion to put \$250 in the budget for the newsletter. Mr. Holman seconded. Ms. Carney – Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 3-0

Ms. Silverman asked that a memo be sent out to Department Heads notifying them that they needed to pay for their newsletter articles. Mr. Holman asked that we get a digital copy of the newsletter for the website. Ms. Favreau would look into.

Ms. Silverman stated that she would like to have a conversation with Chief DiSalvo and felt like the Selectmen were put in the middle. Ms. Silverman would like Chief DiSalvo to use a variety of towing vendors and he should use all available vendors. Chief DiSalvo was very careful not to go to anyone in town to fix the cruisers but it was Ms. Silverman's understanding that he always called J&J. Mr. Holman stated that they respond quicker and don't stop traffic.

Ms. Carney stated that J&J Towing does an excellent job, no one is in danger, and they do it correctly and are professional. The decision was made because of what was in the newspaper and what was said in the community. Ms. Carney shared that it was alright to say we made a mistake and have the Police Department use a variety of vendors. Ms. Carney stated that Mr. Holman made a motion and she wasn't ready – didn't appreciate being bullied. Ms. Favreau stated that we have no contract with them whatsoever. Ms. Carney stated that she appreciated that they don't have to wait for other vendors to get to the site. They do an excellent and professional job, and the drivers know what they are doing. Sometimes vendors don't know what to do but they have never had a problem with J&J.

Mr. Holman made a motion to rescind any directive given to the Police Department regarding towing and options for towing were at the discretion of the Police Department. Ms. Carney seconded. Ms. Carney – Yes, Mr. Holman - Yes, Ms. Silverman - Yes. Approved – 3-0

Mr. Holman stated if the town had a policy on vendors – we would need to look at whether or not they have a record and implement across the board. Ms. Carney stated that the town doesn't require contracts for towing companies and if we were to go in that direction, we would need to look at liability insurance and their rates.

Ms. Silverman made a motion to adjourn the meeting at 9:35 p.m. Mr. Holman seconded and the motion passed. 3-0

Sheryl White
Secretary to the Board of Selectmen

Nancy Carney, Chairman

Chris Holman

Susan Silverman
Board of Selectmen